

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARY J. SCOTT, PRO SE,	:	CIVIL ACTION
Plaintiff	:	
v.	:	
COMMONWEALTH OF PA, DPW	:	NO. 02-CV-3799
Defendant	:	

CERTIFICATE OF SERVICE

I, Sue Ann Unger, Senior Deputy Attorney General, hereby certify that a true and accurate copy of the within Response to Plaintiff's Formal Request of July 19, 2003, was mailed on July 22, 2003, by first class mail, postage prepaid to:

Mary J. Scott
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D. MICHAEL FISHER
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ORDER

AND NOW, this day of , 2003, upon consideration of the formal request of plaintiff and the response of the Pennsylvania Department of Public Welfare, it is hereby ordered and decreed that plaintiff's formal request is hereby denied, and her complaint is hereby dismissed.

BY THE COURT:

JAN E. DUBOIS, J.

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RESPONSE TO PLAINTIFF'S FORMAL REQUEST REGARDING DISCOVERY

The Pennsylvania Department of Public Welfare of the Commonwealth of Pennsylvania (DPW) opposes plaintiff's formal request dated July 19, 2003, denies all factual allegations therein, incorporates the attached memorandum of law and DPW's pending motion to dismiss her complaint, and states:

1. Scott filed a *pro se* complaint, against DPW, alleging violations of Title VII, the Americans with Disabilities Act, 42 U.S.C. § 1983, and perhaps under state law.
3. DPW moved to dismiss, and this Court deferred decision on that motion until the clerk of court had an opportunity to attempt to appoint counsel to represent plaintiff.
4. No discovery has occurred in this case; and Scott now formally requests the court to order discovery from a non-party. Also, while part of the request is unclear, it appears that Scott requests damages against non-parties, thus moving to add new defendants; and that she requests an order compelling DPW to pay her legal fees. DPW construes the request as a motion and opposes it.

Wherefore, this Court should deny plaintiff's formal request.

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**MEMORANDUM OF LAW IN SUPPORT OF
DPW’S OPPOSITION TO PLAINTIFF’S FORMAL REQUEST**

I. PROCEDURAL HISTORY

The *pro se* plaintiff filed a complaint in June of 2002, against the Pennsylvania Department of Public Welfare (DPW). She claimed employment discrimination under Title VII, 42 U.S.C. § 2000e, *et seq.*, Title 1 of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, and 42 U.S.C. § 1983 (Equal Protection). DPW moved to dismiss the complaint. After a conference, the Court ordered that it would defer decision on the motion to dismiss until the clerk had an opportunity to attempt to appoint counsel to represent Scott. Since then, according to the *pro se* writ clerk, six attorneys have refused the case, including three attorneys who rejected her claim based upon merit.¹ Scott has not yet responded to the motion to dismiss.

Scott has now submitted a formal request to the Court for results of an alleged investigation by the Office of Attorney General Bureau of Consumer Protection, even though she states that her complaint was never investigated. While part of her “formal request” is unclear, it appears to be a motion 1) to compel discovery, 2) to add new defendants from whom she requests “the maximum penalty,” 3) to require DPW to pay her legal fees, and 4) perhaps to clarify or focus her *pro se* complaint against DPW to an allegation of fraud.

¹During a preliminary pretrial conference, the Court directed defense counsel to facilitate service of the complaint upon DPW. Thereafter, DPW waived service.

DPW construes her formal request to include the above multi-part motion, and opposes it.

II. ARGUMENT

Plaintiff's proposed amendment(s) to her complaint appear meritless on their face. *See e.g.* statute of limitations argument in the pending motion to dismiss. While a proposed amendment is governed by Fed.R.Civ.P. 15(a), Scott is also subject to Fed.R.Civ.P. 11.

DPW opposes plaintiff's request that DPW pay attorney's fees for her. Scott provides no case law to support her request. Moreover, her claim against DPW is meritless.

DPW also opposes her motion for discovery from a non-party because it is premature and not pursuant to the Federal Rules of Civil Procedure.

III. CONCLUSION

Therefore, this Court should deny plaintiff's formal request and dismiss her complaint.

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